

In re Application of: Ilan Shalev  
Serial No.: 10/509,348  
Filed: March 24, 2005  
Office Action Mailing Date: April 8, 2008

Examiner: Mehta, Bhisma  
Group Art Unit: 3767  
Attorney Docket: 35292

**In the Claims:**

1. (Currently Amended) Apparatus adapted to be placed through a body tissue and implanted in a vein for the purpose of intake of fluid through an aperture thereof, comprising:

a hollow tube defining at least one aperture configured for the intake of fluid when implanted in a vein; and

at least one extension operative to be at at least two positions with respect to said at least one aperture, a first position near said at least one aperture and a second position in which at least part of said at least one extension extends away from said at least one aperture, wherein if said at least one aperture is blocked by an impediment, relative movement of said at least one extension with respect to said at least one aperture, from said first position to said second position, operates to dislodge the impediment from said at least one aperture;

wherein said hollow tube defining said at least one aperture has a length of not more than 10 cm;

wherein said at least one aperture configured for the intake of fluid is located on said hollow tube.

2. (Previously Presented) Apparatus according to claim 1 wherein said at least one aperture comprises a front inlet at a front end of said hollow tube.

3. (Previously Presented) Apparatus according to claim 1, wherein said at least one aperture comprises one or more side openings in a side of said hollow tube.

4. (Previously Presented) Apparatus according to claim 1 wherein said at least one aperture comprises at least one front opening at a front end of said hollow tube and at least one side opening in a side of said hollow tube.

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5. (Currently Amended) Apparatus according to claim 1 wherein said at least one extension is configured so that moving said at least one extension from said first position to said second position operates to displace ~~a said impediment~~ the impediment which comprises an aggregate of solid material.

6. (Currently Amended) Apparatus according to claim 1 wherein said at least one extension is configured so that moving said at least one extension from said first position to said second position operates to displace ~~a said impediment~~ the impediment which is down-flow from said hollow tube.

7. (Currently Amended) Apparatus according to claim 1 wherein said at least one extension is configured so that moving said at least one extension from said first position to said second position operates to displace ~~a said impediment~~ the impediment which is at least partly within said hollow tube.

8. (Currently Amended) Apparatus according to claim 1 wherein said at least one extension is configured so that moving said at least one extension from said first position to said second position operates to displace ~~a said impediment~~ the impediment comprising a venous valve.

9. (Currently Amended) Apparatus according to claim 1 wherein said at least one extension is configured so that moving said at least one extension from said first position to said second position operates to displace ~~a said impediment~~ the impediment comprising body tissue.

10. (Currently Amended) Apparatus according to claim 9 wherein ~~a said impediment~~ the impediment comprises inflamed body tissue.

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11. (Previously presented) Apparatus of claim 1 wherein said hollow tube is adapted to be implanted in a vein and withstand unimpeded intake of fluid for a period of one or more weeks.

12. (Previously presented) Apparatus of claim 1 wherein said hollow tube is adapted to be implanted in a vein and withstand unimpeded intake of fluid for a period of one or more months.

13. (Previously Presented) Apparatus according to claim 1, comprising an activating mechanism.

14. (Previously presented) Apparatus according to claim 13 wherein said activating mechanism causes said at least one extension to extend from said first position to said second position.

15. (Previously presented) Apparatus according to claim 13 wherein said activating mechanism causes said at least one extension to un-extend from said second position to said first position.

16-18. (Cancelled).

19. (Previously Presented) Apparatus according to claim 13 wherein said activating mechanism is configured for manual activation.

20. (Previously Presented) Apparatus according to claim 13 wherein said activating mechanism is configured for automatic activation.

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21. (Previously Presented) Apparatus according to claim 1 adapted so that said relative movement of said at least one extension occurs prior to an intake of fluid through said at least one aperture.

22. (Previously Presented) Apparatus according to claim 1 adapted so that said relative movement of said at least one extension occurs during an intake of fluid through said at least one aperture.

23. (Previously Presented) Apparatus according to claim 1 adapted so that said relative movement of said at least one extension occurs following an intake of fluid through said at least one aperture.

24. (Previously Presented) Apparatus according to claim 1 adapted so that at least some of said relative movement of said at least one extension takes place irrespective of intake of fluid through said at least one aperture.

25. (Withdrawn) Apparatus according to claim 1 wherein at least part of said at least one extension, overlaps a front end of said hollow tube when said at least one extensions are in a first position.

26. (Previously presented) Apparatus according to claim 1 wherein said at least one aperture is covered by said at least one extension in said first position.

27. (Previously Presented) Apparatus according to claim 1 wherein said at least one aperture is arranged to be covered when said at least one extension is in said first position.

28. (Previously Presented) Apparatus according to claim 1 wherein one or more of said hollow tube and said at least one extension comprise a material that prevents or retards aggregation of solids from a bodily fluid.

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29. (Previously presented) Apparatus according to claim 1 wherein one or more of said hollow tube and said at least one extension comprise a material that prevents or retards clot formation.

30. (Previously presented) Apparatus according to claim 1 wherein one or more of said hollow tube and said at least one extension comprise a material that prevents or retards body tissue inflammatory response.

31. (Previously presented) Apparatus according to claim 1 wherein one or more of said hollow tube and said at least one extension comprise a material that prevents or retards bacteria colonization.

32. (Previously Presented) Apparatus according to claim 1 wherein said at least one extension comprises at least one expandable element.

33. (Previously presented) Apparatus according to claim 32 wherein said at least one expandable element expands when filled with expansion fluid.

34. (Previously Presented) Apparatus according to claim 33, comprising an activating mechanism including a reservoir containing expansion fluid functionally associated with said at least one expandable element.

35. (Previously presented) Apparatus according to claim 33 wherein said expansion fluid comprises a material that affects the formation of impediments and wherein said at least one expandable element is at least partly permeable to said material.

36. (Withdrawn) Apparatus according to claim 1 wherein said at least one extensions comprise an extension with a deformable area.

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37. (Withdrawn) Apparatus according to claim 36, wherein when said deformable area deforms, said extension with said deformable area extends from said first position to said second position.

38. (Withdrawn) Apparatus according to claim 36 wherein when said extension with said deformable area un-extends from said second position to said first position, said deformable area returns to a pre-deformed state.

39. (Previously Presented) Apparatus according to claim 1 wherein said at least one extension comprises resilient extensions.

40. (Withdrawn) Apparatus according to claim 1, comprising a sheath for selectively controlling a said position to which said at least one extension extend.

41. (Withdrawn) Apparatus according to claim 40, wherein in said first position said at least one extension are contained within said sheath and in said second position said at least one extension exits said sheath to deflect radially.

42. (Withdrawn) Apparatus according to claim 1, comprising an extension tube of which said at least one extension forms a distal section, wherein axial distal motion of said extension tube moves said at least one extension to said second position where said at least one extension extends.

43. (Withdrawn) Apparatus according to claim 42, wherein a distal section of said extension tube is axially fixed to a front of said hollow tube and wherein said extension tube is slotted.

44. (Previously presented) Apparatus according to claim 1, wherein said at least one extension is adapted for an arm vein.

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45. (Previously presented) Apparatus according to claim 1, wherein said at least one extension is adapted for a non-vein vessel.

46. (Previously Presented) Apparatus according to claim 1, wherein said at least two positions are axially displaced.

47. (Previously Presented) Apparatus according to claim 1, wherein said at least two positions are radially displaced.

48. (Withdrawn) A method of taking fluid from a vein, the method comprising of:

implanting an apparatus in a vein, the apparatus comprising of:

a hollow tube defining at least one aperture; and

at least one extension operative to be at at least two positions with respect to said at least one aperture, a first position near said at least one aperture and a second position in which at least part of said at least one extension extends away from said at least one aperture, wherein if said at least one aperture is blocked by an impediment, relative movement of said at least one extension with respect to said at least one aperture, from said first position to said second position, operates to dislodge the impediment from said at least one aperture;

taking fluid from the vein through said at least one aperture; and

dislodging an impediment from said at least one aperture by extending said at least one extension

wherein said at least one aperture is located on the said hollow tube.

49. (Canceled).

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50. (Previously Presented) Apparatus according to claim 1, wherein said at least one extensions do not provide a channel of fluid communication through which a fluid sample can be conducted to outside of the body tissue.
51. (New) Apparatus according to claim 1, wherein said hollow tube is comprised of a thicker section outside the body than inside the body to prevent entry into the body.
52. (New) Apparatus according to claim 1, wherein said hollow tube is winged.
53. (New) Apparatus according to claim 1, wherein said hollow tube is a port.